

Sims, Throckmorton, Townes, Walker, Wallace and Whaley.—
YEAS 26.

NAYS—None.

A bill to incorporate the Southern Fire Insurance Company. Read 2nd time and ordered to be engrossed. Rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Fall, Gentry, Grimes, Guinn, Hart, Herbert, Hyde, Lott, Parsons, Pitts, Potter, Quinan, Rains, Rainey, Scarborough, Schleicher, Shepard, Sims, Throckmorton, Townes, Walker, Wallace and Whaley.—25.

NAYS—None.

A bill for the incorporation of the Mystic Club. Read 2nd time and ordered to be engrossed. Rule suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Duggan, Fall, Gentry, Grimes, Guinn, Hart, Herbert, Hyde, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Sims, Throckmorton, Townes and Wallace.—20.

NAYS—Messrs. Dickinson, Lott, Rains and Walker.—5.

A bill to amend the Columbus, San Antonio and Rio Grande Railroad Company, on report of the committee on Internal Improvements recommending a substitute, read, substitute adopted and ordered to be engrossed.

Mr. Gentry offered the following amendment :

“That this Company shall commence work within one year after the passage of this act, and complete twenty-five miles within two years after the passage of this act.” Adopted. The rule was then suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Herbert, Hyde, Parsons, Pitts, Potter, Quinan, Rains, Rainey, Scarborough, Schleicher, Shepard, Townes, Wallace and Whaley.—22.

NAYS—Messrs. Harman, Hart, Sims and Walker.—4.

Mr. Rainey, by leave, introduced a bill for the relief of John Murchison. Read 1st and 2nd times and referred to the committee on Private Land Claims.

On motion of Mr. Quinan, the Senate adjourned until 10 o'clock, A. M., on Monday.

MONDAY, January 9th, 1860.

Senate met pursuant to adjournment. Prayer by Rev. Mr.

Baker—roll called—quorum present—journal of Saturday was read and adopted.

Mr. Ruines presented the petition of Andrew Danley. Referred to the committee on the Court of Claims.

Mr. Wallace presented the petition of James R. Arnold for land. Referred to the committee on Private Land Claims.

Mr. Dugran presented the petition of Saml. Shupe for land. Referred to the committee on Private Land Claims.

Mr. Pitts presented the petition of Andrew J. Ford for land. Referred to the committee on Private Land Claims.

Mr. Erath presented the petition of John S. Stump for a pension. Referred to the committee on Finance.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Southern Fire Insurance Company, and a joint resolution proposing an amendment to the Constitution, correctly engrossed.

A message was received from the House informing the Senate that the House had passed a bill to authorize the Commissioner of the General Land Office to issue patents upon surveys made not in the form required by law, with an amendment.

Mr. Shepard, from the committee on Internal Improvements, to whom was referred a bill for the relief of the Washington County Railroad, reported the same back and recommended its passage.

Mr. Guinn, from the committee on Private Land Claims, made the following minority report :

The undersigned minority of the committee on Private Land Claims, beg leave to dissent from the majority on the petition of the heirs of Phillip Weppeler, deceased. First, the decedent came to the country in 1834, he came from Germany, he had an infant child, he applied to the Board of Robertson county stating that he did intend to bring his child to Texas. On the petition and proof the Board granted him a league and labor. The decedent in his lifetime fought in the revolution and obtained bounty and donation warrants to the amount of 1920 acres. He died or was killed by the Indians in 1839 or 1840. The travelling Board of Land Commissioners rejected the league and labor certificate, no appeal was taken. The decedent did not bring his child to the Republic or State of Texas, no evidence that the child is now a resident of the State of Texas, or the United States. The minority think the claim barred by the Constitution—article 11 and section 2nd, page 27, Oldham & White's Digest. Further the minority think the claim is forfeited and reverted to the State for the want of heirs to take ; and if relief should be given the

one-third of a league would not likely go to the child. The minority think it would be doubtful policy to pass the bill, and think the same ought not pass.

Signed,

R. H. GUINN.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following reports :

The committee on Private Land Claims, to whom was referred the petition of the heirs of Phillip Weppler, have examined the same and find that he came to the country in 1834, and received a certificate of one league and labor, which was rejected by the Traveling Board for the reason there was no proof of his family being in the country. Phillip Weppler died in the service of the country, and his heirs are entitled to a headright certificate of one-third of a league. The committee instruct me to report the accompanying bill and recommend its passage. Bill read 1st time.

The committee on Private Land Claims, to whom was referred a House bill granting 320 acres of land each to George Eberly Henry, Mary Eliza Henry and Julia Pierce Henry, have examined the same and find the facts to be these viz : they are three children who were born at one birth,—“a circumstance heretofore rare”—for which the land is asked. The committee are unanimously of the opinion, that while the parents deserve much praise for their success in complying with one of the laws of Moses, they can not donate the Public Land of the State for the product, as if such is to be the result of annexation, it will require all the public domain to educate the numerous rising young Texans.

The committee on Private Land Claims, to whom was referred the petition of John Frederick, find that he received an unconditional certificate from the Board of Land Commissioners of Harris county, and has complied with the conditions. They therefore return the same to the Senate with the accompanying bill and recommend its passage. Bill read 1st time.

The committee on Private Land Claims, to whom the following petitions have been referred, to-wit :

1st. The petition of the heirs of Barbary Riley ; 2nd, the petition of P. D. Holland ; 3rd, the petition of Elijah V. Dale ; 4th, the petition of S. S. Frazier ; 5th, the petition of B. R. Milams heirs : 6th, the petition of the Austin College, have had the same under consideration and instructed me to report them back and to recommend that they be laid on the table, there to remain until time shall be no more.

The committee on Private Land Claims, to whom was referred the following House bills, have duly considered the same and find that they are entitled to the relief sought, they instruct me to report them back and recommend their passage viz:

A bill for the relief of Irodele Redding.

A bill for the relief of the heirs of David M. Shropshire deceased, and an act to legalize the unconditional certificate of John Jordan.

The committee on Private Land Claims, to whom was referred a bill for the relief of Michael Herbert, have considered the same, and find that said Herbert emigrated before the 1st of September, A. D. 1847, as a colonist of Fisher & Miller's colony and complied with the laws relative to that colony, and is entitled to the certificate: they therefore report the same back and recommend its passage.

The committee on Private Land Claims, to whom was referred a bill to validate A. K. Kennard's bounty certificate No. 242, have had the same under consideration, and instruct me to report the bill back to the Senate and ask that it be passed by the Senate. It appears by proof before the committee, that M. K. Kennard served as a substitute in Capt. Person's company, in the year A. D. 1836, as a substitute for his father N. D. Kennard. That said certificate was regularly issued by the Secretary of War, for said service, and that the certificate was only suspended by the Court of Claims for want of proof.

Mr. Potter, chairman of the committee on the Judiciary made the following reports :

The Judiciary committee have considered a bill to encourage the publication of a complete Digest of the Reports of the Supreme Court of the State of Texas, and a majority of the committee direct me to return the same to the Senate and recommend its passage.

The Judiciary committee have considered a bill to amend sections four and eight of an act defining the duties of the Attorney General of the State of Texas, passed May 11th 1846, and direct me to return the same to the Senate and recommend its passage. The object of the bill is to change the time at which the Attorney General is required by law, to make his reports to the Governor and Comptroller, so as to require such reports to be made at the same time as other heads of departments are now required by law, to make their regular reports.

The Judiciary committee have considered a bill to amend the fourth section of the act of May 12th, 1846, entitled an act to regulate the license and practice of attorneys and counsellors at

law, with the amendments thereto, proposed by the House, and direct me to return the bill and amendments to the Senate, and recommend that the Senate do not concur in the amendment of the House, without pretending to pass upon the merits of the proposed amendment, the committee are of the opinion that it is not presented in such a manner as to allow of its being adopted as a part of the bill.

The Judiciary committee have considered the petition of Louisa C. Hiram and Grace M. Renrie, which stated that in 1835, a title for one league of land was issued to Thomas Robb, as a colonist of Zavalla's colony. That Robb sold the land to Grace Henri and Louisa Hiram; that by mistake the land was surveyed in Vehlein's colony, and without the limits of Zavalla's colony. That some years since a valid certificate for one league of land was issued to one Calvin Barco, which was located on the land in question, and the owner of the certificate brought suit for the land, and on a trial of the cause got judgment for the land on the ground that the title to Robb was void, from the fact that the land was not in the limits of Zavalla's colony. In consideration of these facts, the petitioners ask the Legislature to give them a certificate for one league of land as assignees of Robb. The foregoing are the facts stated in the petition, but the committee do not think there is sufficient evidence to authorize the granting of the relief sought, and I am therefore directed to return the papers to the Senate and ask to be discharged from further consideration of the matter.

The Judiciary committee have considered the communication of the Governor of the State, of 11th December, 1859, in which he calls the attention of the Legislature to the fact that he had employed Oldham & White attorneys at law, to assist the Attorney General in defence of the three suits brought against the State, under the law authorising suits by empresarios to settle their claims. The committee find that the joint resolution of December 14th, 1837, in relation to the General Land Office, authorized the President to employ counsel to aid the Attorney General in the defence of such suits as he might deem proper, the expense not to exceed one thousand dollars in each case; The suits were commenced in the District Court of Travis county, where two of them have been tried and decided in favor of the State, and upon appeal the judgments of the District Court, has been affirmed by the Supreme Court, the other case is still pending in the District Court. The two cases decided are 1st, that of Robert Rose, on the empresario contract of Joseph Vehlin for the recovery of twenty leagues and twenty

labors of land as premium lands claimed to be due the empresario Veiklin, on his colonization contract. 2nd, That of Robt. Rose, on the empresario contract of Lorenzo DeZavall, for the recovery of twenty-five leagues and twenty-five labors of land, as premium lands claimed to be due the empresario Zavalla, on his empresario contract. Messrs. Oldham & White rendered valuable service to the State in the defense of the two suits, as as was satisfactorily shown by evidence before the committee, and the committee think the sum of \$500 as a fee in each of said causes, is but a reasonable compensation for such service. The committee therefore direct me to report the matter to the Senate, and recommend that the same be referred to the committee on Finance, with direction to make provision in the general appropriation bill, for the payment of said fees to said Oldham & White.

The Judiciary committee have considered a bill to be entitled an act requiring district attorneys to report to the Comptroller of Public Accounts semi-annually, and direct me to return the same to the Senate, with a substitute therefor and recommend the adoption of the substitute, and the passage of the bill.

The Judiciary committee have examined the petition of F. H. Dixon, and find it is an application for a grant of a 320 acre land certificate, the committee therefore direct me to return the petition to the Senate, and recommend that it be referred to the committee on Private Land Claims.

Mr. Gentry, introduced a bill to incorporate the Houston Gas Company. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Potter introduced a bill to regulate and define the duties of State Engineer. Read 1st and 2nd times and referred to the committee on the Judiciary.

ORDERS OF THE DAY.

A bill to apportion the Senators and Representatives of the State of Texas, among the several counties of the State, being the special order.

Mr. Rainey moved to make it the special order for Thursday the 12th inst. Carried.

The following bills were read a 3rd time and passed:

A bill to regulate and define the time of holding courts in the several counties of the eighth judicial district.

A bill to amend the 2nd section of an act to create the 20th judicial district of the State of Texas, approved January 2nd, 1860.

Mr. Shepard, by leave, introduced a bill authorizing the State

Engineer to rescind a certain contract therein named. Read 1st and 2nd times and referred to committee on Internal Improvements.

Mr. Parsons, by leave, introduced a bill to create the 21st judicial district, and to regulate the time of holding courts therein. Read 1st and 2nd times and referred to Judiciary committee.

The report of committee on Public Lands, on a bill to provide for the sale of the reservation of land ceded to the United States for Indian purposes, was on motion of Mr. Walker, laid on the table.

The report of the committee on State Affairs, on the petition of Wiley S. Tersell recommending its rejection, was read and adopted.

The report of the committee on Public Debt, on the memorial of Joshua P. Powers, recommending its rejection, was read and adopted.

The report of the Judiciary committee on a bill for the relief of a certain class of colonists or their assignees of Peters colony recommending a substitute, was read—substitute adopted and ordered to be engrossed.

On motion of Mr. Walker, the rule was suspended, bill read 3rd time and passed.

A bill to create the county of Marion. Read 2nd time, and on motion of Mr. Potter, laid on the table.

~~By~~ The amendment of the House to Senate's bill, to authorize the Commissioner of the General Land Office to issue patents upon surveys made not in the form required by law, was concurred in.

The report of the Judiciary committee on the petition of F. H. Dixon, was on motion of Mr. Potter, taken up, and petition referred to committee on Private Land Claims.

The report of Judiciary committee on the message of the Governor covering the report of attorney general, was on motion of Mr. Potter, taken up and adopted.

On motion of Mr. Guinn, the Senate adjourned until 10 o'clock A. M., to-morrow.

TUESDAY, January 10, 1860.

Senate met pursuant to adjournment—prayer by the Rev. Mr. Baker—roll called—quorum present.

The journal of yesterday was read and adopted.